

REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 1-6 are pending in the present Application. Claims 1 and 4-6 have been amended. Support for the amendment of Claims 1 and 4-6 can be found in the specification at least at pages 8-10. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 1-6 stand rejected under 35 U.S.C. § 112, first paragraph; and Claims 1 and 4-6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Dworkin (U.S. Patent Publication No. 2002/0071540, hereinafter Dworkin) and in further view of Dailey et al. (U.S. Patent 6,363,352, hereinafter Dailey).

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The Official Action rejects Claims 1-6 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

Specifically, the Official Action notes at page 2 that the added limitations “the distribution notice, including shared authentication data, a description of the first service, scheduling information and hyperlink data” and “the chat space and first service being provided to the second and third terminals upon authentication via actuation of the hyperlink in accordance with the scheduling information of the distribution notice” is not supported in the specification. In this regard, Applicants respectfully direct the Examiner’s attention to Figure 18 which clearly shows hyperlink data. Moreover, the Applicants note that page 38 explains how the “manipulation of the link” is utilized for contacting the server.

Accordingly, Applicants respectfully request that the rejection of Claims 1-6 under 35 U.S.C. § 112, first paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 1-6 under 35 U.S.C. § 103 as being anticipated by Dworkin. The Official Action states that Dworkin discloses all of the Applicants' claim features with the exception of email notification. However, the Official Action cites Dailey as describing this feature and states that it would have been obvious to one of ordinary skill in the art at the time the advancement was made to combine the cited references to arrive at the Applicants' claims. Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, an information processing apparatus, including:

...an authenticating unit to authenticate the second and third terminals by the use of the shared authentication data;

a providing unit configured to provide the chat space to the first terminal, and the chat space and first service to the second and third terminals designated to be distributed by the first terminal, the chat space and first service being provided to the second and third terminals upon authentication via actuation of the hyperlink and at a time identified by the scheduling information of the distribution notice, the providing unit delivering simultaneous access to the chat space and first service upon authentication of the shared authentication data at the information processing apparatus. (Emphasis added).

Dworkin describes an application service provider environment for providing a distributed conferencing configuration. As shown in Fig. 1 of this reference, the configuration (99) includes a plurality of users (100A-100F) employing the Internet (104). Conferencing resources (112) include both hardware and software components, which are hosted and managed by a conferencing application service provider (110).<sup>1</sup>

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<sup>1</sup> Dworkin at paragraph 14.

In operation, the users (100) may employ the services of the conferencing configuration to facilitate distribution of data and video conferencing without the expense and overhead associated with owning and maintaining their own conference resources. For example, an individual user (100A) would register with the application service provider (ASP) and be provided with an application program interface (API) to receive the necessary software for support facilitating communication with the provider. Likewise, the user may user third-party instant messaging software to communicate with other user.

Dailey describes a system for scheduling a virtual meeting. As shown in Figure 5 of this reference, a software utility may be utilized to invite others to a virtual meeting.<sup>2</sup>

Conversely, in an exemplary embodiment of Applicants' invention, a live distribution service for streaming contents to users is provided in accordance with a reservation made in advance. In operation, a user, such as a personal computer (3), provides contents for distribution according to a reservation to a streaming server (5). Personal computers (4-1 - 4-3) receive the streaming contents based upon emailed distribution information including, shared authentication data, a description of the first service, scheduling information and hyperlink data. The streamed contents are received from the streaming server according to the reservation made by the personal computer (3). Distribution notices are provided to terminals via email in accordance with the reservation, so that terminals included in the reservation upon authentication, actuate the hyperlink in accordance with the scheduling information to receive the first and second services. The providing unit delivers simultaneous access to the chat space and first service upon authentication of the shared authentication data at the information processing apparatus.

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<sup>2</sup> See Dailey at Figure 5.

Neither Dworkin nor Dailey disclose or suggest the utilization of shared authentication data for simultaneously delivering a chat service and a first service to a client terminal as recited in amended Claim 1.

Further, as noted previously, the Official Action is taking official notice throughout without providing a citation in support of its assertion. If official notice is being taken, Applicants respectfully submit that official notice alone is not permissible as grounds for rejection in the outstanding Official Action. As stated in the MPEP at § 2144.03(A):

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21.

With regard to the above, Applicants respectfully submit that the features recited in the Applicants' claims are not "capable of instant and unquestionable demonstration as being well-known."

Accordingly, Applicants respectfully submit that Claim 1, and Claims 2-6, which recite substantially similar limitations to those discussed above, patently define over the cited references; and, Applicants respectfully request that the rejection of Claims 1-6 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-6, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Scott A. McKeown  
Registration No. 42,86

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

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